IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

APPEAL NO. 299 OF 2007

IN

NOTICE OF MOTION NO. 1307 OF 2007

IN

SUIT NO. 992 OF 2007

Parle Pet Private Limited .. Appellants

V/s

Abhijit Housing Private Limited & Ors. .. Respondents

Mr.Rohit Kapadia, Senior Advocate with Mr.M.P.S. Rao i/b Sreeji & Lal for the Appellants.

Mr.Dara Zaiwala, Senior Advocate with Mr.Sualeh Nagvadaria for Respondent No.2.

Mr.S.G. Aney, Senior Advocate with Mr.Mahesh Desai i/b Desai & Desai & Co. for Respondents No.1 and 3.

CORAM : R.M.S. KHANDEPARKAR &
D.G. KARNIK, JJ.

DATE : 20TH APRIL 2007

P.C. :

1. Heard. This appeal has been filed against the order dated 10th April 2007 passed by a learned Single Judge in Notice of Motion No.1307 of 2007. By the impugned order, the ad-interim relief has been refused and the hearing of the motion has been expedited.

2. Upon hearing the learned counsel for the parties and perusal of records, it is seen that the entire dispute is with respect to the Agreement dated 12th August 2003 between the parties and the Agreement expressly discloses that the relation between the parties is that of a company and client and that the client made use of certain services during certain part of the day in consideration of the compensation. Being so, no fault can be found with the impugned order refusing the ad-interim relief. The appeal is dismissed.

3. All the contentions sought to be raised are kept open for consideration on merits at the time of disposal of the notice of motion.

4. The counsel appearing for the Appellants prays that the Appellants would remove the belongings on or before 29th April 2007 and leave in that regard be granted by extending the period fixed by the learned Single Judge. The learned counsel for the Respondents do not object for the same and hence the period for removal of goods is extended till 29th April 2007.

(R.M.S. KHANDEPARKAR, J.)

(D.G. KARNIK, J.)